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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/731,458

Filing Date: 12/09/2003

Applicant(s): William V. DaPalma; Brett J. Gavagni;  
Matthew W. Hartley; and, Brien H. Muschett

Entitled: SYSTEM AND METHOD FOR GENERATING A  
UNIQUE, FILE SYSTEM INDEPENDENT KEY FROM A  
URI (UNIVERSAL RESOURCE IDENTIFIER) FOR USE  
IN AN INDEX-LESS VOICEXML BROWSER  
CACHING MECHANISM

Examiner: Pannala, Sathyanaraya R.

Group Art Unit: 2164

Attorney Docket No.: BOC920030097US1 (1082-008U)

**TRANSMITTAL OF APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed June 20, 2007 and in response to the Notice of Non-Compliant Appeal Brief mailed November 19, 2007. As this Appeal Brief has been timely filed within the shortened statutory period of one month from the date of the mailing of the Notice of Non-Compliant Appeal Brief, no extension of time under 37 C.F.R. § 1.136 is required. Notwithstanding, please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including

extension of time fees, to Deposit Account 50-3839, and please credit any excess fees to such deposit account.

Date: December 19, 2007

Respectfully submitted,

/Steven M. Greenberg/

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**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed June 20, 2007, wherein Appellants appeal from the Examiner's rejection of claims 1 through 18.

## **I. REAL PARTY IN INTEREST**

This application is assigned to International Business Machines Corporation by assignment recorded on December 9, 2003, at Reel 014787, Frame 0202.

## **II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any related appeals and interferences.

## **III. STATUS OF CLAIMS**

Claims 1 through 18 are pending in this Application and have been twice rejected. It is from the multiple rejections of claims 1 through 18 that this Appeal is taken.

## **IV. STATUS OF AMENDMENTS**

The claims have not been amended subsequent to the imposition of the Final Office Action dated March 20, 2007.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claims 1, 7 and 13 are respectively directed to a method, machine readable storage and system of constructing a system-independent key from a universal resource indicator for use in an index-less caching system.

In accordance with the Appellants' invention, a method, system and machine readable storage can be enabled to store and access documents on a computer file system utilizing a file system-independent key for use in an index-less browser caching mechanism (Par. [0016], lines 1-5). In the Applicants' invention, a resource such as a document or group of documents can be

stored on a computer file system using a Universal Resource Indicator (URI) as the file name by generating a unique system-independent key from the URI for use in an index-less browser caching system. (Par. [0018], lines 7-9) Additionally, the invention takes into account the various file entry length limitations enforced by each unique file system by converting the specified URI into a key containing hexadecimal values of the key's characteristics. (Par. [0021], lines 1-4) In this fashion, an index-less browser caching system such as a Web browser of a VoiceXML browser can be created that is file system-independent. (Par. [0020], lines 6-8)

Claim 1 as originally filed recites a method of constructing a system-independent key from a universal resource indicator for use in an index-less caching system. (Par. [0016], lines 1-5) The method can include converting characters of the universal resource indicator to equivalent values (Par. [0019], lines 3-4) resulting in a value string having a value string length (Par. [0021], lines 1-4). Further, the value string can include a file name associated with a cached resource. (Par. [0021], lines 5-9)

Claim 7 as originally filed recites a machine readable storage medium storing a computer program which when executed constructs a system-independent key from a universal resource indicator for use in an index-less caching system. (Par. [0016], lines 1-5) The computer program can perform a method that can include converting characters of the universal resource indicator to equivalent values (Par. [0019], lines 3-4) resulting in a value string having a value string length (Par. [0021], lines 1-4). Further, the value string can include a file name associated with a cached resource. (Par. [0021], lines 5-9)

Finally, Claim 13 as originally filed recites a system for constructing a system-independent key from a universal resource indicator for use in an index-less caching system. (Par. [0016], lines 1-5) The system can include a computer having a database (Par. [0017], lines 1-5), the database storing a cached resource (Par. [0009], lines 5-9), the location of the cached resource identified by a universal resource indicator (Par. [0018], lines 7-8); and a central processing unit (Par. [0017], lines 1-4), the central processing unit converting characters of the universal resource indicator to equivalent values resulting in a value string having a value string length, the value string including a file name associated with a cached resource (Figure 2, Blocks 80-110).

#### **VI. ISSUES TO BE REVIEWED ON APPEAL**

1. The Title of the Invention complies with the requirements set forth in M.P.E.P.
2. Claims 1 through 18 are not anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,154,742 to Harriot.

#### **VII. THE ARGUMENT**

##### **THE TITLE OF THE INVENTION AS "TOO LONG".**

In the Appellants' response of August 21, 2006 to the Non-Final Office Action dated May 18, 2006 (the "Response"), Appellants noted, "M.P.E.P. 606 permits titles of up to 500 characters in length." Consequently, in the Response the Appellants concluded that no change in the Title of the Invention was required. Notwithstanding, in the Final Office Action dated March 20, 2007 (the "Final Office Action"), the Examiner repeated the objection to the Appellants' Title of the Invention whilst completely ignoring the Appellants' recitation of M.P.E.P. 606 previously. For the convenience of the Honorable Board, M.P.E.P. 606 reads in part,

The title of the invention may not exceed 500 characters in length and must be as short and specific as possible  
Thus, the Examiner has erred in persisting in the requirement that the Appellants shorten the Title of the Invention.

**THE REJECTION OF CLAIMS 1 THROUGH 18 UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY HARRIOT.**

For convenience of the Honorable Board in addressing the rejections, claims 2 through 7 stand or fall together with independent claim 1, claims 9 through 12 stand or fall together with independent claim 8, and claims 14 through 18 stand or fall together with independent claim 13..

**I. Harriot Does Not Teach the Conversion of the Characters of a URI into Equivalent Values.**

Presently, claim 1 reads as follows:

1. A method of constructing a system-independent key from a universal resource indicator for use in an index-less caching system, the method comprising converting characters of the universal resource indicator to equivalent values resulting in a value string having a value string length, the value string including a file name associated with a cached resource.

Notably, in the Response, the Appellants made clear that as expressly recited in the originally filed claim 1, a representation of a URI is created through the "conversion" of the "characters" of the URI. The cited portion of Harriot, however, only taught the storage of an unconverted URI in a table. To assist the Examiner in understanding this clear distinction, the Appellants reproduced the entirety of the cited portion of Harriot as follows:

As depicted in FIG. 2, server SYSA 215 is transferring a copy of document 225, named PAGE1.HTML., to client computer 210, in response to a previous HTTP GET request (not shown) by client computer 210. Client computer 210 is equipped with a cache file 230 indexed by a cache table 235. Cache table 235 is a table used to index cache 230. Cache table 235 comprises a plurality of rows 238 and columns 240. Each row 238 is used to describe a cached element, such as downloaded HTML document 225. **Columns 240 include a URI column 245, an OID column 247, and a cache pointer**



column 249. The use of the cache table 235 will be described in further detail below, however, in summary, URI column 245 contains a representation of a location code of a cached resource. Typically this will be a representation of a Uniform Resource Identifier ("URI"), such as a Uniform Resource Locator ("URL"), or any other indicator of the location of the cached resource. The syntax and semantics of URIs are described in Berners-Lee, et al., RFC 1738: Uniform Resource Locators (URL) (December 1994), the disclosure of which is hereby incorporated by reference.

Yet, in the Final Office Action, the Examiner persisted in the rejection of claim 1 relying solely upon the same cited portion of Harriot as the Non-Final Office Action!

To the extent that the Examiner fails to account for every recited limitation in an independent claim, the Examiner will have failed to establish a prima facie case of anticipation as set forth under M.P.E.P. 2131. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)( A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference). In this instant case, however, the Examiner has not accounted for the *conversion of the characters of a URI into equivalent values*.

## II. The Examiner Should Not Have Issued a Final Office Action

Of note, the Appellants observe that in the Non-Final Office Action, the Examiner chose only to draft rejections directed to claims 1, 2, 3 and 5. The Examiner completely neglected to address any of the other 14 claims set forth in the Appellants' patent application. The Appellants brought the Examiner's omission to the attention of the Examiner in the Response and invited the Examiner to re-issue a new non-final office action which reflects a complete, thoughtful statement of the Examiner's rejections on the art. Instead, the Examiner chose to ignore the Appellants and issued the Final Office Action which only first introduced the rejections of the remaining 14 claims, albeit on the same defective grounds as had been set forth in connection with claims 1, 2, 3 and 5.

### III. Conclusion

In view of the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. § 102(b) based upon the applied prior art are not viable. Appellants further respectfully submit that the Examiner's objection to the Title of the Invention is flawed. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 102(b).

Date: December 19, 2007

Respectfully submitted,

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## **VIII. CLAIMS APPENDIX**

1. (Original) A method of constructing a system-independent key from a universal resource indicator for use in an index-less caching system, the method comprising converting characters of the universal resource indicator to equivalent values resulting in a value string having a value string length, the value string including a file name associated with a cached resource.
2. (Original) The method of claim 1 further comprising:  
determining if the value string length exceeds a predetermined maximum file entry length for the caching system; and  
converting the value string into discrete file entries including one or more directory entries and the file name associated with the cached resource, wherein each discrete file entry contains a number of values equal to or less than the maximum file entry length.
3. (Original) The method of claim 1 wherein the index-less caching system is a Web browser.
4. (Original) The method of claim 1 wherein the index-less caching system is a VoiceXML browser.
5. (Original) The method of claim 1 wherein the equivalent values are alphanumeric values.

6. (Original) The method of claim 5 wherein the alphanumeric values are hexadecimal values.
7. (Original) A machine readable storage medium storing a computer program which when executed constructs a system-independent key from a universal resource indicator for use in an index-less caching system, the computer program performing 'a method comprising converting characters of the universal resource indicator to equivalent values resulting in a value string having a value string length, the value string including a file name associated with a cached resource.
8. (Original) The machine readable storage medium of claim 7 further comprising:  
determining if the value string length exceeds a predetermined maximum file entry length for the caching system; and  
converting the value string into discrete file entries including one or more directory entries and the file name associated with the cached resource, wherein each discrete file entry contains a number of values equal to or less than the maximum file entry length.
9. (Original) The machine readable storage medium of claim 7, wherein the index-less caching system is a Web browser.
10. (Original) The machine readable storage medium of claim 7, wherein the index-less caching system is a VoiceXML browser.

11. (Original) The machine readable storage medium of claim 7, wherein the equivalent values are alphanumeric values.

12. (Original) The machine readable storage medium of claim 11, wherein the alphanumeric values are hexadecimal values.

13. (Original) A system for constructing a system-independent key from a universal resource indicator for use in an index-less caching system, the system comprising a computer having:

a database, the database storing a cached resource, the location of the cached resource identified by a universal resource indicator; and

a central processing unit, the central processing unit converting characters of the universal resource indicator to equivalent values resulting in a value string having a value string length, the value string including a file name associated with a cached resource.

14. (Original) The system of claim 13, the central processing unit further determining if the value string length exceeds a maximum file entry length for the caching system, and converting the value string into discrete file entries including one or more directory entries and the file name associated with the cached resource, wherein each discrete file entry contains a number of values equal to or less than the maximum file entry length.

15. (Original) The system of claim 13, wherein the index-less caching system is a Web browser.
16. (Original) The system of claim 13, wherein the index-less caching system is a VoiceXML browser.
17. (Original) The system of claim 13, wherein the equivalent values are alphanumeric values.
18. (Original) The system of claim 17, wherein the alphanumeric values are hexadecimal values.

## **IX. EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

## **X. RELATED PROCEEDINGS APPENDIX**

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.